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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Brubaker et al.
Application No. : 10/055,584
Filed : January 23, 2002
Title : Improved Process for the Production of Sustained Release Drug Delivery Devices
Group/Art Unit : 3763
Examiner : Maiorino
Conf. No. : 6941
Docket No. : P02975

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I hereby certify that this correspondence is being sent by telefacsimile to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, at telephone number 703 872 9306, on February 26, 2004.


Suzanne V. SaracenRESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is responsive to the Restriction Requirement sent by the Examiner on February 4, 2004.

The Examiner has required restriction to one of the following groups under 35 USC 1.21:

Group I: Claims 1-11, 21-22, drawn to an apparatus, classified in class 604, subclass 423.

Group II: Claims 12-14, drawn to a method of use, classified in class 604, subclass 890.1.

Applicant elects Group I without traverse.

The Examiner also requires election within Group I of a species. Group I has been divided into five species: Species A pertains to an embodiment having a coated drug core that is coated with the coating. Species B pertains to an embodiment where the device includes an impermeable cup made of silicone with an attached PVA suture tab. Species C relates to a

sustained release drug device. Species E pertains to a device where the drug core is a solid tablet. Applicant provisionally elects Species B (a device that includes an impermeable cup).

Applicant believes the claims are in condition for allowance and respectfully requests an early and favorable disposition of this matter.

Respectfully submitted,



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Dated: February 26, 2004